



1 All counsel listed on signature page

2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 AVAGO TECHNOLOGIES GENERAL IP)
12 PTE LTD. and AVAGO TECHNOLOGIES)
13 ECBU IP PTE LTD.,)

14 Plaintiffs,

15 vs.

16 ELAN MICROELECTRONICS CORP.,)

17 Defendant.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

AND RELATED COUNTERCLAIMS

Case No. 04-05385 JW (HRL)

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE
AND MOTION FOR CERTIFICATION
FOR INTERLOCUTORY APPEAL**

Plaintiffs Avago Technologies General IP PTE LTD and Avago Technologies ECBU IP PTE LTD (collectively, "Avago"), by and through their undersigned counsel, and Defendant Elan Microelectronics Corp. ("Elan"), by and through its undersigned counsel, hereby stipulate as follows:

WHEREAS, the parties have been engaged in and are continuing to engage in settlement discussions;

WHEREAS, the parties believe that good cause exists for a short continuance of the November 2, 2009 Case Management Conference to allow the parties additional time to try to

1 reach a binding resolution of this lawsuit;

2 THE PARTIES HEREBY STIPULATE, by and through their respective counsel, and
3 respectfully request that the Court continue the November 2, 2009 Case Management Conference
4 to **December 7, 2009** at 10 a.m. The parties shall submit a Case Management Conference
5 Statement by **November 27, 2009**.

6
7 Dated: October 22, 2009.

8 IRELL & MANELLA LLP
Morgan Chu – (SBN 70446) (mchu@irell.com)
9 Samuel K. Lu – (SBN 171969) (slu@irell.com)
Alan J. Heinrich – (SBN 212782) (aheinrich@irell.com)
10 1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
11 Telephone: (310) 277-1010
Facsimile: (310) 203-7199
12 Attorneys for Plaintiffs
Avago Technologies General IP PTE Ltd. and Avago Technologies
13 ECBU IP PTE Ltd.

14 By: _____/s/_____
15 Samuel Lu

16 Yitai Hu (SBN 248085) (yitai.hu@alston.com)
Elizabeth H. Rader (SBN 184963) (elizabeth.rader@alston.com)
17 S. H. Michael Kim (SBN 203491) (michael.kim@alston.com)
ALSTON & BIRD LLP
18 Two Palo Alto Square
3000 El Camino Real, Suite 400
19 Palo Alto, California 94306-2112
Telephone: 650-838-2000
20 Facsimile: 650-838-2001

21 Frank Smith (*Pro Hac Vice*) (frank.smith@alston.com)
22 T. Hunter Jefferson (*Pro Hac Vice*)
ALSTON & BIRD LLP
23 1201 West Peach Tree Street
Atlanta, Georgia 30309-3424
24 Telephone: 404-881-7000
Facsimile: 404-881-7777

25 Attorneys for Defendant
26 ELAN MICROELECTRONICS CORP.

27 By: _____/s/_____
28 Elizabeth H. Rader

IT IS SO ORDERED AS MODIFIED

The Court GRANTS the parties a brief continuance of the Case Management Conference. On December 7, 2009 at 10 a.m., the parties shall appear for a Case Management Conference. On or before November 27, 2009, the parties shall file a Case Management Conference Statement. The Court also continued Defendants' Motion for Certification for Interlocutory Appeal (Docket Item No. 721) from November 23, 2009 to **December 7, 2009 at 9:00 AM**. The parties may stipulated to a briefing schedule but all briefing shall be completed on or before **November 13, 2009**.

Dated: October 22, 2009

By


HON. JAMES WARE
UNITED STATES DISTRICT JUDGE